

RIVERS MANAGEMENT ADVISORY COMMITTEE

Meeting Minutes

June 12, 2003

6 Hazen Drive, Concord

Room 112 9:30 am –12:30 pm

Members Present: Ken Kimball, Chairman, Recreational Interests
Michele Tremblay, Conservation Interests
Ben Haubrich, Dept of Resources and Economic Development
Deborah Hinman, Conservation Commissions
Bill Ingham, NH Fish and Game
Jamie Robertson, Agriculture Interests
Wesley Stinson, Historical & Archaeological Interests
Ted Sutton, Municipal Government

Members Absent: Bob Beaurivage, New Hampshire Water Works Association
Ben Frost, Office of State Planning
George Lagassa, Granite State Hydroelectric Power Assn.
Gail McWilliam, NH Dept. of Agriculture, Markets & Food
Richard Moquin, Fish & Game Commission

Others Present: Michael Giaimo, BIA of NH
Allan Palmer, PSNH

DES Staff Present: Paul Currier, Administrator, Watershed Management Bureau
Steve Couture, Rivers Coordinator, Watershed Mgmt Bureau
Wayne Ives, Instream Flow Specialist, Watershed Management Bureau
Jim Gallagher, Chief Water Resources Engineer, Dam Bureau
Dick Flanders, Wastewater Mgmt Bureau, Residuals Mgmt
Beth Krumrine, Planner, Watershed Management Bureau
Bobbi Benedict, Water Division, Director's Office

Chairman, Ken Kimball, opened the meeting at 9:35. Dr. Kimball suggested that the agenda items be taken out of order beginning with Agenda Item IX.

IX. Update on State Dam Removal Program

- Michele Tremblay, RMAC's representative on the State Dam Plan Removal Development Advisory Team, advised the Committee that the Team is currently working on the development of guidelines to establish scoring criteria to prioritize projects without eliminating opportunistic projects. Stephanie Lindloff has circulated draft documents in preparation for the next Team meeting on Wednesday, June 18 from 1:00 to 3:30 at the US Fish & Wildlife Service headquarters in Concord. The guidelines will assist Stephanie in allocating resources. Michele will update the Committee at the October meeting. There is funding in place from FEMA for staffing and completion of some of the work. After the Alton disaster, one of the criteria will be the level of maintenance required for safety purposes if a facility has been abandoned and it is not likely to receive future maintenance.

- Geomorphology Courses Dr. Kimball informed the Committee a two-day geomorphology course is being offered in September and October of this year and April and May of next year. The course will expound on the effects of river flow on habitat and how energy is transmitted to other points along the river. The cost of the course is \$245 and scholarship money may be available. This course would be beneficial as the Committee begins to look at instream flow issues. Michele advised that there will be an extended version of the geomorphology course at the end of July in Gorham which will combine two short courses into one week. The cost of this course is \$600.

VIII. Rivers Coordinator Update – Steve Couture, NHDES

Lamprey River Headwaters Nomination

On May 20th Carl Paulsen from the NH Rivers Council and Steve Couture met with the Candia Conservation Commission, the driving force for the Upper Lamprey nomination. The meeting was advertised as a public meeting, but only the Candia Conservation Commission members attended. The nomination process and benefits of the program were explained in detail. The Commission has decided not to resubmit the application this year but, instead, would attempt to build public support for a resubmittal next year. The existing Lamprey River Local Advisory Committee has been kept apprised of developments and may be in a position to assist.

Legislative Update

Steve Couture distributed an update of current legislation along with copies of letters of testimony submitted to committees by DES. It was suggested that beginning with the 2004 Legislative Session that Steve Couture would make available the complete list of legislation on a monthly basis along with a list of those bills which are of interest to the Committee. If something develops which requires the attention of the Committee in between the monthly updates, a separate email will be sent.

RMAC & Rivers Coordinator Communications

Posting of Draft Minutes: Steve Couture suggested that draft meeting minutes be posted prior to being distributed to the Committee members for review in an effort to expedite posting. The Committee would then have an opportunity to review and make corrections at the next meeting. It was suggested that it would be helpful to have action items summarized and distributed to the Committee members as soon as possible after a meeting in lieu of more detailed minutes, except in controversial issues in which case it would be best to include all points of view.

Permitting Issues A procedure needs to be established to incorporate comments from LACs on permit applications which have been submitted to DES. Steve Couture will develop a proposal and distribute it to RMAC and LACs for comment.

IV. Current Drought Status and Yearly Outlook for Water in the State; Status of USGS Gauges with Budget Cuts

Jim Gallagher, Chief Water Resources Engineer, updated the Committee on the status of the cooperative stream gauge program. Due to budget cuts, it may become necessary to eliminate some of the 24 gauges currently in place. Discussions have been ongoing with USGS, which shares the cost of the program, to prioritize the gauges. There are also ongoing efforts to procure additional funding sources in order to avoid removal of the gauges.

The State is essentially out of drought conditions except for Coos County, which received below normal precipitation for five consecutive months. The snowpack also is lower than normal. The drought alert status has not been removed as yet as DES is waiting to see what conditions are in June. DES has a network of 24 ground water monitoring wells around the state, and approximately 80% are at or above normal levels.

I. Introductions

Commissioner Michael P. Nolin was introduced to the Committee. Mr. Nolin commented on the important service that the Committee provides to the state and voiced his appreciation for the leadership of Mr. Currier and Mr. Gallagher at DES.

V. Instream Flow Program

Paul Currier, Administrator of the Watershed Management Bureau, updated the committee on HB 1449, the pilot program on the Souhegan and Lamprey rivers. This bill passed last year but was not funded. A bill has been introduced by Senator Cooney for this session to provide state funding for contracts for studies for the Souhegan River pilot program. The bill has passed the Senate but was not in the budget passed by the House. It, therefore, will be the subject of conference committee discussions. Basically, the budget includes a reduction in the drinking water, source water protection grant program which would be applied directly to contract costs for studies of the Souhegan River. DES also is pursuing federal funding and has an understanding with EPA, but not a solid commitment, that funding will be available for at least three years.

DES would be prepared to proceed with the Souhegan pilot study as of July 1 if the line item stays in the budget. The process of convening the Instream Flow Technical Review Committee and Water Management Planning Area Advisory Committees would begin by sending out solicitations to the organizations and interest groups that are specified in the legislation. Nominations then could be brought before the RMAC, whose function is to provide input and advice to the commissioner on committee membership.

DES will draft an RFP, which will go through several guidance committees and also be brought before the RMAC for input. A contractor will be chosen who will ultimately develop a protected instream flow study document for review by DES and RMAC. The study will then go to public hearing and to advisory committees. Once the study document is adopted, the Water Management Planning Area Advisory Committee can begin its work to develop a management strategy.

Mr. Currier advised that rules have been adopted and filed with Administrative Services.

Mr. Sutton requested that Mr. Currier draft a document describing the process for review by the Committee at its October meeting. This is in response to concerns expressed by several committee members that the RMAC be provided with adequate opportunity for input early on in the development process.

Wayne Ives of the Watershed Management Bureau explained that DES would be implementing a project this fall to define the baseline fish community of the Lamprey River. The Lamprey River is one of the higher quality rivers in New England. The plan entails collecting samples of fish in various segments along the river and compiling the data to get information on the distribution of fish and volume of each type of fish in shallow and deep runs. This project will involve the combined efforts of the EPA, Mass. Dept. of Fish & Wildlife, Fish & Game, US Fish & Wildlife and DES.

Mr. Currier advised that this study which establishes the baseline fish community will allow an estimate to be made of the core conditions that would be necessary to allow the propagation of those fish species. The inflow stream pilot program will be informed of the results of the project, but this is not a part of that study.

VII. Study Committee for Setbacks for Biosolids and Septage

Application

Richard Flanders, DES Supervisor, Residuals Management Section, updated the Committee on SB 87. This bill creates a commission to study setback requirements for septage and biosolids application. The amended bill passed the Senate and is currently in a House conference committee. One significant change from the original Senate version is the designation of “commission”, which has voting authority.

There was considerable discussion about the makeup of the 17-member commission which includes one member elected from the RMAC. There was general agreement that the commission makeup was reasonable. Ms. Tremblay voiced a concern about two appointments: (1) one member would be appointed by 11 LACs which are marginally involved with issues to be addressed by the study commission, and (2) the Natural Resource Conservation Service, which is a federal agency, tends not to take positions at the state level.

If the bill passes, it will become effective immediately. The commission will be required to meet within 45 days and submit an interim report by November 1, 2003. Dr. Kimball suggested that since the RMAC will not meet again until October, the Committee should appoint one of its members to the commission at this meeting contingent upon passage of this legislation.

Mr. Sutton made a motion to appoint Jamie Robertson as RMAC's representative on the study commission contingent upon passage of SB 87. Mr. Stinson seconded the motion and it was unanimously voted.

VI. Manchester Water Works Proposed Property Transfer

Steve Couture discussed HB 35 relative to the proposed transfer of an LCIP property in Hooksett in exchange for some town land in order for Manchester Water Works to put in a pumping station. The bill passed the Senate and worked its way to the House where it was retained in committee. There were some issues raised whether the legislation as written would circumvent the RMAC and CORD process, but at this point it is unlikely to come out of committee. There is no further action for the RMAC to take at this point. If the matter proceeds to court this fall, the committee may want to file an amicus curiae brief.

II. Acceptance of Minutes

April 2, 2002 Minutes

The April 2, 2002 Minutes were discussed. Jamie Robertson noted that he should be listed as being in attendance. Michele Tremblay noted that her name was misspelled.

Mr. Robertson moved to accept the Minutes as corrected. Mr. Ingham seconded the motion and it was unanimously voted.

June 17, 2002 Minutes

Jamie Robertson noted that he should be listed as absent at this meeting.

Mr. Robertson moved to accept the Minutes as corrected. Mr. Sutton seconded the motion and it was unanimously voted.

November 19, 2002 Minutes

Dr. Kimball noted that Bruce Clendenning's name was spelled incorrectly.

Ms. Tremblay moved to accept the Minutes as corrected. Mr. Robertson seconded the motion and it was unanimously voted.

February 13, 2003 Minutes

Ms. Tremblay pointed out that Cold River Local Advisory Committee should be referenced in Item VII. LRAC Management Plans.

Mr. Sutton moved to accept the Minutes as corrected. Ms. Tremblay seconded the motion and it was unanimously voted.

III. Nominations and Elections for Chair and Vice-Chair

Nominations were made to fill the positions of Chair and Vice Chair.

Mr. Sutton moved to re-elect Dr. Ken Kimball as Chair. Ms. Hinman seconded the motion and it was unanimously voted.

Ms. Hinman moved to elect Michele Tremblay as Vice Chair. Mr. Stinson seconded the motion and it was unanimously voted.

Both Dr. Kimball and Ms. Tremblay accepted the offices to which they were elected.

X. Other Business

River Network Award

Dr. Kimball announced that Michele Tremblay was recently recognized with the Rivers Hero award from River Network, an national organization that works with local grassroots organizations.

Travel Vouchers

Steve Couture will provide travel vouchers at each meeting for Committee Members to complete and submit for mileage reimbursement.

October Meeting The October meeting will be held in Manchester. The Committee will meet at the Amoskeag Fishways where there will be an approximately 45 minute tour of the site. Mr. Stinson will make arrangements to have a conference room available for the Committee to conduct a meeting after the tour.

Expression of Appreciation

An expression of appreciation was extended to Dr. Ken Kimball for his exemplary leadership of the RMAC.

Adjournment

A motion was made, seconded and unanimously voted to adjourn at approximately 12:30 a.m.